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**DIVISION I. DEFINITIONS; GENERAL PROVISIONS**

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**§ 2-205. Powers and duties [Amendment subject to abrogation].**

(a) *In general.*- In addition to the other powers granted and duties imposed under this article, the State Board has the powers and duties set forth in this section.

(b) *Determination of policies and administration of article.*- The State Board shall:

- (1) Determine the elementary and secondary educational policies of this State; and
- (2) Cause to be carried out those provisions of this article that are within its jurisdiction.

(c) *Bylaws, rules, and regulations.*-

- (1) The State Board shall adopt bylaws, rules, and regulations for the administration of the public schools.
- (2) These bylaws, rules, and regulations have the force of law when adopted and published.
- (3) The bylaws, rules, and regulations apply to each county. However, they do not apply to Baltimore City to the extent that they relate to matters that are the subject of other provisions of this article that do not apply to Baltimore City.

(d) *Enforcement.*- The State Board may institute legal proceedings to enforce:

- (1) The provisions of this article that are within its jurisdiction; and
- (2) The bylaws, rules, and regulations adopted by the Board.

(e) *Explanations of law; controversies and disputes.*-

(1) Without charge and with the advice of the Attorney General, the State Board shall explain the true intent and meaning of the provisions of:

- (i) This article that are within its jurisdiction; and
- (ii) The bylaws, rules, and regulations adopted by the Board.

(2) Except as provided in paragraph (4) of this subsection and in Title 6, Subtitles 4 and 5 of this article, the Board shall decide all controversies and disputes under these provisions.

(3) The decision of the Board is final.

(4) (i) The Public School Labor Relations Board shall decide any controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.

(ii) A decision of the Public School Labor Relations Board is final.

(f) *Administering oaths to witnesses.*- As Secretary to the State Board, the State Superintendent may administer oaths to witnesses in any matter before the Board.

*(g) Control and supervision over public schools.-*

- (1) This subsection does not apply to Baltimore City to the extent that it relates to matters that are the subject of other provisions of this article that do not apply to Baltimore City.
- (2) Through the State Superintendent, the State Board shall exercise general control and supervision over the public schools and educational interests of this State.
- (3) Through the State Superintendent, the Board shall consult with and advise county boards, county superintendents and their staffs, principals, teachers, and interested citizens.
- (4) The Board shall seek in every way to direct and develop public sentiment in support of public education.

*(h) Policy and guidelines for programs of instruction.-*

- (1) With the advice of the State Superintendent, the State Board shall establish basic policy and guidelines for the program of instruction for the public schools.
- (2) The policy and guidelines shall be printed in sufficient quantities to provide copies to:
  - (i) Public school officials and teachers;
  - (ii) Private schools; and
  - (iii) Interested citizens of this State.
- (3) The State Board of Education shall require the establishment of criteria in each county for the selection of applicants for enrollment in public secondary school career and technology education programs. Enrollment criteria developed for this purpose shall ensure equal access to programs.

*(i) Investigation of educational needs.-*

- (1) With the advice of the State Superintendent, the State Board shall investigate:
  - (i) The educational needs of this State; and
  - (ii) Methods to improve educational conditions.
- (2) If necessary, the Board may employ additional expert assistance for these investigations.

*(j) School budget.-*

- (1) The State Board shall send the Governor an annual State public school budget including, subject to the Maryland Constitution and existing laws, the appropriation for:
  - (i) The Department; and
  - (ii) State aid to the counties for current expenses, for student transportation and for the construction of school buildings.
- (2) The budget shall be certified by the State Superintendent before it is sent to the Governor.

*(k) Recommendation for legislation.-* The State Board shall:

(1) Consider the educational needs of this State; and

(2) With the advice of the State Superintendent, recommend to the Governor and the General Assembly any legislation that it considers necessary.

(l) *School construction.* -

(1) On the recommendation of the State Superintendent, the State Board shall establish standards and guides for planning and constructing school building projects.

(2) These standards and guides shall be used as the basis for reviewing plans and specifications submitted to the State Superintendent for approval.

(3) The State Board shall maintain a school construction planning service to:

(i) Assist in the development and review of preliminary and final plans and specifications for any public school building project and the educational program that it is designed to house; and

(ii) Advise county boards as to the suitability of these construction plans on the basis of educational effectiveness, construction, and reasonable economy of costs.

(4) The State Board shall collect, publish, and distribute to the county boards information on school construction procedures, methods, and materials.

(m) *Ratio of professional employees to students.* -

(1) In this subsection, "professional employee" means an employee:

(i) For whom a certificate has been issued by the State Superintendent; and

(ii) For whom a salary scale has been established by law for the position or who meets or exceeds the qualifications required for an established salary scale.

(2) From time to time, the State Board shall adopt bylaws, rules, and regulations that establish a minimum ratio of professional employees to students enrolled in the public schools or any combination of grades in these schools.

(3) The ratio established by the State Board for the total number of professional employees for each county, calculated to the nearest whole position on a pro rata basis, may not be more than:

(i) 46 for each 1,000 of the first 5,000 students enrolled as of September 30 of each year; and

(ii) 45 for each additional 1,000 students.

(4) A county may employ more professional employees than the number permitted in this subsection as it considers necessary.

(5) At least 95 percent of the permitted number of professional employees shall be assigned to public schools.

(n) *Reports from private schools.* - With the advice of the State Superintendent, the State Board shall require each private educational association, corporation, and institution to report annually, on or before August 31, its enrollment and courses of study on the forms that the Board provides.

(o) *Items of information to be recorded; financial accounts; forms for reports.-*

(1) With the advice of the State Superintendent, the State Board shall specify the information each county board, school official, and teacher is to record and shall require the following information to be recorded:

(i) All financial accounts, including the annual budget; and

(ii) All educational records.

(2) The reports containing this information shall be made on the form that the State Board, with the advice of the State Superintendent, requires.

(3) If the State Superintendent agrees, the required information may be sent in automatic data processing, machine-usable form.

(p) *Annual report to Governor.-*

(1) The State Board shall submit an annual report to the Governor on:

(i) All operations of the Department;

(ii) The support, conditions, progress, and needs of elementary and secondary education in this State; and

(iii) The overall plan for elementary and secondary education in this State.

(2) This annual report shall be printed in sufficient quantities for general distribution in this State.

(q) *Future growth and development.-*

(1) The State Board shall coordinate the overall growth and development of elementary and secondary education in this State.

(2) In consultation with the State Superintendent, the State Board shall develop and periodically update an overall plan consistent with the bylaws that shall identify:

(i) The present and future needs of elementary and secondary education throughout the State, including a discussion of the demographic composition of the elementary and secondary population;

(ii) The present and future capabilities of the public elementary and secondary education system in this State;

(iii) The short-range and long-range objectives and priorities for elementary and secondary education and methods and timelines for achieving and maintaining them;

(iv) Whether current programs adequately prepare graduates for employment opportunities in this State, or postsecondary education opportunities;

(v) The status and needs of the career and technology education program, the vocational rehabilitation program, and the library system of these programs;

(vi) The technological advancements that would enhance elementary and secondary education

throughout the State;

(vii) Methods to upgrade and improve teacher education and teacher certification programs;

(viii) The school systems that have dropped below the statewide test averages and shall assess the options available to improve the test averages of these school systems;

(ix) The methods to improve the diagnosis of basic reading skill deficiencies of elementary and secondary school students and to improve the literacy rates of these students;

(x) The methods to increase the rate of retention and graduation of secondary school students;

(xi) The short-range and long-range objectives for the resolution of the problem of substance abuse by elementary and secondary school students; and

(xii) The short-range and long-range objectives for the resolution of the problems of youth and teenage pregnancy.

[An. Code 1957, art. 77, §§ 6-10, 14-17, 19-21, 68; 1978, ch. 22, § 2; ch. 967; 1981, ch. 236, § 2; ch. 507; 1988, ch. 764; 1989, ch. 95; 1990, ch. 6, § 11; 1991, ch. 662, §§ 1, 2; 1996, ch. 77; 1997, ch. 105, § 1; 1998, ch. 21, § 1; 2006, ch. 59, § 1; 2008, ch. 36; 2010, chs. 324, 325.]

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**§ 6-401. Definitions [Amendment subject to abrogation].**

(a) *In general.* - In this subtitle the following words have the meanings indicated.

(b) *Board.* - "Board" means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) *Employee organization.* - "Employee organization" means an organization that:

(1) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(d) *Home and hospital teacher.* -

(1) "Home and hospital teacher" means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student's medical, physical, or emotional condition.

(2) A home and hospital teacher may teach in:

(i) A private home;

(ii) A hospital;

(iii) A therapeutic center;

(iv) A school; or

(v) Any other appropriate site.

(e) *Public school employee.* -

(1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual designated by the public school employer to act in a negotiating capacity as provided in § 6-408(c) of this subtitle.

(2) In Montgomery County, "public school employees" include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, "public school employee" includes:

- (i) A secondary school nurse, an elementary school nurse, and a special school nurse; and
- (ii) Supervisory noncertificated employees as defined under § 6-501(i) of this title.
- (4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.
- (5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.
- (6) In Calvert County, Charles County, and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.
- (7) In Carroll County, "public school employee" includes:
  - (i) A registered nurse; and
  - (ii) Supervisory noncertificated employees as defined under § 6-501(i) of this title.
- (f) *Public school employer.*- "Public school employer" means a county board of education or the Baltimore City Board of School Commissioners.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; ch. 713, § 2; 1992, ch. 414; 1995, ch. 305; 1997, ch. 105, § 1; ch. 428; 2000, ch. 176; 2002, chs. 76, 545; 2003, chs. 358, 450; 2005, ch. 237; 2006, ch. 97; 2007, ch. 196; 2009, chs. 281, 282, 403; 2010, chs. 324, 325, 356, 357, 391.]

**§ 6-402. Employees may join organization; membership restrictions.**

(a) *Employees may form and join organization.*- Public school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.

(b) *Membership restriction and dismissal.*- An employee organization may establish reasonable:

- (1) Restrictions as to who may join; and
- (2) Provisions for the dismissal of individuals from membership.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2.]

**§ 6-403. Employees may refuse to join employee organizations.**

A public school employee may refuse to join or participate in the activities of employee organizations.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2.]

**§ 6-404. Designation of exclusive representative for employees; specific units [Internal reference update subject to abrogation].**

(a) *Public school employer to designate exclusive employee representative.*- Each public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(b) *Composition of unit.*-

(1) Except as provided in paragraph (2) of this subsection, the public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

(2) In St. Mary's County, licensed registered school nurses, Junior Reserve Officers' Training Corps (JROTC) teachers, and supervisory noncertificated employees of the public school employer shall be included in the unit.

(c) *Two unit limit; Baltimore County.*-

(1) There may not be more than two units in a county.

(2) In Baltimore County, one of the two units shall consist of employees whose position requires an administrative and supervisory certificate and supervisory noncertificated employees as defined under § 6-501(i) of this title. The second unit shall consist of all other public school employees as defined under § 6-401(e)(1) and (3) of this subtitle.

(d) *All employees to be included in units.*- All eligible public school employees shall:

(1) Be included in one of these units; and

(2) Have the rights granted in this subtitle.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; 1995, ch. 305; 1996, ch. 10, § 1; 1997, ch. 428; 2003, ch. 450; 2010, ch. 72, § 5; chs. 356, 357, 358, 359.]

**§ 6-405. Method of designating exclusive employee representative [Amendment subject to abrogation].**

(a) *Designation as provided in this section.*- The designation of an employee organization as an exclusive representative shall be made as provided in this section.

(b) *Request for recognition.*- If an employee organization certifies to the public school employer that it has a membership enrollment of at least 30 percent of the total number of public school employees in a specified unit in a county as of June 1 of the year in which certification is made, this certification is a request for recognition as exclusive representative of all public school employees in the specified unit in the county.

(c) *Election if another organization requests recognition.*- If another employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit as of the same June 1, an election shall be held in which the public school employees in the unit shall be offered the opportunity to choose:

(1) One of the employee organizations as the exclusive representative of all public school employees in the unit; or

(2) Not to have exclusive representation.

(d) *Election if no other organization requests recognition.*- If no other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit, on the request of the employee organization under subsection (b) of this section, an election shall be held and the ballot shall offer a choice between:

(1) Exclusive representation by the organization; and

(2) Not to have exclusive representation.

(e) *Designation without an election.*- The public school employer shall designate the employee organization described in subsection (b) of this section as the exclusive representative of all public school employees in the specified unit in a county if:

(1) No other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit;

(2) The employee organization does not request an election under subsection (d) of this section; and

✱ (3) The employee organization certifies that it has a membership enrollment of the majority of the public school employees in the unit in the county.

(f) *Rules and regulations; time, manner, and place of holding elections.*-

(1) The Board shall adopt rules and regulations for:

(i) Verifying the number of certificated employees of the public school employer or individuals of equivalent status in Baltimore City who are members in good standing of an employee organization on

<http://www.michie.com/maryland/lpext.dll/mdcode/298ed/c2ec/c7e6/c88e/c8ad?fn=docum...> 4/26/2011



the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive, except in Baltimore City where the elections shall be held between November 1 and November 15 following the date on which certification of required membership enrollment is made.

(4) In any election held under this section, the employee organization that receives the largest number of votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If the largest number of votes in the election is cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The public school employer shall provide any assistance required in holding the elections.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; 2010, chs. 324, 325.]

**§ 6-406. Minimum period of representation; elections after initial period.**

**(a) *Two-year initial period required.* -**

- (1) The designation of an exclusive representative shall be for at least 2 years.
- (2) After this initial period, the organization shall be the exclusive representative until another election is held.

**(b) *Subsequent elections.* -**

- (1) An election after the initial period of representation may be held:
  - (i) Only after the end of the 2-year period; and
  - (ii) On petition signed by more than 20 percent of the public school employees in the unit of the county.
- (2) This election shall be held in the same manner as provided in § 6-405 of this subtitle.
- (3) All signatures on a petition requesting an election shall be obtained within 90 days before the election date.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2.]

**§ 6-407. Designated organization is negotiating agent; representation in Allegany, Anne Arundel, Charles, Garrett, Howard, Montgomery, Prince George's and Washington counties and Baltimore City [Internal reference update subject to abrogation].**

(a) *Negotiating agent.*- An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(b) *Fair representation.*-

(1) An employee organization designated as an exclusive representative shall represent all employees in the unit fairly and without discrimination, whether or not the employees are members of the employee organization.

(2) In addition, in Montgomery County the exclusive representative shall represent fairly and without discrimination all persons actually employed as substitute teachers without regard to whether they are included in § 6-401(e) of this subtitle as public school employees.

(c) *Howard, Montgomery and Prince George's counties and Baltimore City.*-

(1) In Montgomery County, Prince George's County, Baltimore County, Baltimore City, and Howard County, the public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee, to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) The service or representation fee may not exceed the annual dues of the members of the organization.

(3) An employee who is a substitute teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee.

(4) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined in paragraph (2) of this subsection to a nonreligious, nonunion charity or to such other charitable organization as may be mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of such payment.

(5) (i) In Baltimore County, the provisions of this subsection shall apply only to employees who are hired on or after July 1, 1997.

(ii) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.

(iii) 1. Subject to the provisions of subsubparagraph 2 of this subparagraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold

harmless the Board of Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

2. The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(iv) The employee organization designated as the exclusive representative shall submit to the board an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the representation fee is calculated based on the audit.

(v) 1. The agency or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including the handling of grievances, and other activities, as required under this section.

2. Any political activities of the employee organization designated as the exclusive representative may not be financed by the funds collected from the agency or representation fee.

(6) In Montgomery County, an employee who is a home or hospital teacher and who works on a short-term day-to-day basis is not required to pay a service or representation fee.

(d) *Allegany, Calvert, Charles, Garrett, and Washington counties.* -

(1) In Allegany County, Calvert County, Charles County, Garrett County, and Washington County, the public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee, to be charged nonmembers for representing them in negotiation, contract administration, including grievances, and other activities specified under subsection (b) of this section.

(2) In Charles County, the provisions of this subsection shall apply only to employees who are hired on or after July 1, 2005.

(e) *Garrett County.* - In Garrett County:

(1) A public school employee who is not a member of the employee organization designated as the exclusive representative for the public school employees in a unit at the time that a negotiated service or representation fee is initiated is exempt from the fee provided under subsection (d) of this section; and

(2) An individual who becomes a public school employee after the time that a negotiated service or representation fee is initiated and does not join the employee organization designated as the exclusive representative is liable for the fee provided under subsection (d) of this section.

(f) *Anne Arundel County.* - In Anne Arundel County:

(1) The public school employer may negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee to be charged nonmembers for representing them in negotiations, contract administration, including grievances, and other activities as are required under subsection (b) of this section.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold

harmless the Anne Arundel County Board of Education against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(ii) The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(3) The employee organization designated as the exclusive representative shall submit to the Anne Arundel County Board of Education an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the service or representation fee is calculated based on the audit.

(4) (i) The service or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including grievances, and other activities under this section.

(ii) Political activities of the employee organization designated as the exclusive representative may not be financed with the funds collected from the service or representation fee.

(5) An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is:

(i) Not required to pay a service or representation fee; and

(ii) Required to pay an amount of money as determined under paragraph (1) of this subsection to a nonreligious, nonunion charity or to another charitable organization that is mutually agreed upon by the employee and the exclusive representative, and who furnishes to the public school employer and the exclusive representative written proof of the payment.

(6) Any negotiated agreement that includes a representation fee also shall contain a provision that requires that an amount of revenue equal to 25% of the annual representation fees collected and maintained by the local bargaining representative be designated for professional development for represented educators.

(7) This subsection shall apply only to employees who are hired on or after October 1, 2004.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; ch. 713, § 2; 1983, ch. 630; 1984, ch. 255; 1985, ch. 427; 1987, ch. 767; 1991, ch. 305; 1994, ch. 709; 1995, ch. 3, § 1; 1997, ch. 706; 2000, ch. 61, §§ 1, 6; ch. 176; 2004, ch. 129; 2005, ch. 64; 2007, ch. 631; 2008, ch. 36; 2009, chs. 281, 282; 2010, ch. 72, § 5.]

**§ 6-408. Negotiations between employer and employee organization [Amendment subject to abrogation].**

(a) *In general.*- When a public school employer and an employee organization negotiate under this section, the public school employer and the employee organization shall:

- (1) Confer in good faith, at all reasonable times;
- (2) Honor and administer existing agreements;
- (3) Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner; and
- (4) Reduce to writing the matters agreed on as a result of the negotiations.

(b) *Binding arbitration.*- The agreements may provide for binding arbitration of the grievances arising under the agreement that the parties have agreed to be subject to arbitration.

(c) *Representatives to negotiate.*-

(1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to salaries, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments.

(2) Except as provided in paragraph (3) of this subsection, a public school employer or at least two of its designated representatives may negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on other matters that are mutually agreed to by the employer and the employee organization.

(3) A public school employer may not negotiate the school calendar, the maximum number of students assigned to a class, or any matter that is precluded by applicable statutory law.

(4) A matter that is not subject to negotiation under paragraph (2) of this subsection because it has not been mutually agreed to by the employer and the employee organization may not be raised in any action taken to resolve an impasse under subsection (e) of this section.

(5) (i) If a public school employer and an employee organization dispute whether a proposed topic for negotiation is a mandatory, a permissive, or an illegal topic of bargaining, either party may submit a request for a decision in writing to the Board for final resolution of the dispute.

(ii) A request for a decision shall:

1. Clearly identify each topic of bargaining for which the party is requesting a decision; and
2. Be made before the Board determines that an impasse has been reached.

(iii) If the Board receives a request for a decision, within 7 days after receipt of the request, the Board

shall issue a letter to the public school employer and the employee organization that requests written briefs in support of their respective positions.

(iv) Within 7 days after receipt of a request from the Board for written briefs, the public school employer and the employee organization shall deliver to the Board a written brief on the issue of whether the topic is mandatory, permissive, or illegal in nature.

(v) After receipt of written briefs from the public school employer and the employee organization, the Board shall:

1. Consider the merits of each party's arguments;
2. Render a decision determining whether the topic of negotiation is mandatory, permissive, or illegal; and
3. Issue the written decision to the parties within 14 days after receiving the written briefs.

(vi) 1. The Board may adopt regulations, guidelines, and policies to carry out its rights and responsibilities under this section.

2. To resolve disputes under this section, the Board shall develop a balancing test to determine whether the impact of the matter on the school system as a whole outweighs the direct impact on the teachers or employees.

(6) In Montgomery County, the exclusive negotiating agent for the public school employees in a unit and the public school employer shall meet and negotiate under this section the salaries, wages, hours, and other working conditions of all persons actually employed as substitute teachers or home and hospital teachers.

(d) *Presentation by employee organization at public meeting.*- The designation of representatives by the employer under this section does not prevent the designated employee organization from appearing before or making proposals to the public school employer at a public meeting or hearing.

(e) *Impasse in negotiations.*-

(1) If, on the request of either party, the Board determines from the facts that an impasse is reached in negotiations between a public school employer and an employee organization that is designated as an exclusive negotiating agent, the Board shall within 10 calendar days:

(i) Request last and best offers from the public school employer and the employee organization, which may not include items or topics not previously raised in the bargaining process; and

(ii) Order the public school employer and the employee organization to commence mediation within 14 days after the Board's determination that an impasse has been reached.

(2) The last and best offers shall list separately every term or condition of employment in dispute and the demand of the party making the last and best offer.

(3) Within 5 calendar days after an order to mediate, the parties shall select a mediator by:

(i) Agreement; or

(ii) Alternate striking from a list of seven neutral parties furnished by:

1. The Federal Mediation and Conciliation Service; or

2. The American Arbitration Association.

(4) The mediator shall conclude the mediation within 25 days after convening the first mediation session.

(5) If the public school employer and the employee organization do not reach agreement before concluding the mediation, the mediator shall issue a written offer to both parties and the Board of settlement of all matters raised.

(6) Within 5 days after receiving the proposed settlement, the public school employer and the employee organization each shall notify the mediator of its intent to:

(i) Accept the written proposed settlement;

(ii) Accept the written proposed settlement in part, as mutually agreed on by the public school employer and the employee organization; or

(iii) Decline the proposed settlement and request arbitration before the Board.

(7) The public school employer and the employee organization shall share the costs of the mediator equally.

(8) If either party declines the proposed settlement and requests arbitration, the Board shall, within 5 calendar days, set a date for an arbitration hearing before the Board.

(9) The Board shall:

(i) Open the arbitration record within 20 days after receiving either party's decision to decline the mediator's proposal;

(ii) Convene a hearing;

(iii) Hear testimony from and receive supporting written evidence, as provided in an order of the Board, from the public school employer, the employee organization, and the mediator;

(iv) Administer oaths to witnesses deemed relevant and called by the Board;

(v) Issue subpoenas to compel the production of relevant and nonprivileged documents and other tangible evidence that would also be subject to production before a hearing or at a hearing under Title 10, Subtitle 6, Part III of the State Government Article; and

(vi) Receive, hear, and consider all evidence considered relevant by the Board, whether or not offered through an attorney, including:

1. The wages, hours, working conditions, or other terms and conditions of employment of similar public employees in comparable surrounding jurisdictions and comparable jurisdictions outside the State; and

2. The ability of the public school employer and the county served by the public school employer to pay, considering their existing resources, the costs of the final offers proposed and other personnel costs.

(10) The Board shall conclude the hearing by issuing a written order within 20 days after the arbitration record is opened.



(11) The Board shall issue the written award that selects and adopts:

- (i) The complete final offer of the public school employer;
- (ii) The complete final offer of the employee organization; or
- (iii) The mediator's complete offer of settlement.

(12) The Board's written award is final and binding on the public school employer and the employee organization.

(13) The public school employer and the employee organization shall share the costs of the hearing equally.

(14) Any negotiated provision or decision of the Board is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners, county council, and Mayor and City Council of Baltimore City.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; ch. 713, § 2; 2000, ch. 176; 2002, ch. 287; 2010, chs. 324, 325.]

**§ 6-408.1. Renegotiation of funds allocated [Section subject to abrogation].**

If a fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with a timetable and procedure established by the Board.

[2010, chs. 324, 325.]

**§ 6-409. Interference with employees prohibited.**

A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under §§ 6-402 and 6-403 of this subtitle.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2.]

**§ 6-410. Strikes prohibited; penalties.**

(a) *Strikes prohibited.*- An employee organization may not call or direct a strike.

(b) *Penalties.*-

(1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2.]

**§ 6-411. Effect of subtitle on other laws, rules, and regulations.**

(a) *Laws, rules, and regulations relating to tenure not superseded.*- This subtitle does not supersede any other provision of the Code or the rules and regulations of public school employers that establish and regulate tenure.

(b) *State labor laws inapplicable.*- This subtitle does not make the State labor laws in Titles 3 and 7 of the Labor and Employment Article apply to public school employment.

[An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; 1991, ch. 21, § 8; 2003, ch. 17; 2006, ch. 44, § 6.]

**§ 6-501. Definitions [Amendment subject to abrogation].**

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) *Board.*- "Board" means the Public School Labor Relations Board established under Subtitle 8 of this title.

(c) *Confidential employee.*- "Confidential employee" includes an individual whose employment responsibilities require knowledge of the public school employer's posture in the collective negotiation process, as determined by the public school employer in negotiations with an employee organization that requests negotiation on this issue.

(d) *Employee organization.*- "Employee organization" means an organization that:

(1) Includes noncertificated employees of a public school employer; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(e) *Management personnel.*- "Management personnel" includes an individual who is engaged mainly in executive and managerial functions, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

(f) *Noncertificated employee.*- "Noncertificated employee", in Montgomery County, means only a full-time employee.

(g) *Public school employee.*-

(1) "Public school employee" means a noncertificated individual who is employed for at least 9 months a year on a full-time basis by a public school employer.

(2) "Public school employee" includes a noncertificated employee in Baltimore City notwithstanding that the noncertificated employee does not work for at least 9 months a year on a full-time basis.

(3) "Public school employee" does not include:

(i) Management personnel;

(ii) A confidential employee; or

(iii) Any individual designated by the public school employer to act in a negotiating capacity as provided in § 6-510(c) of this subtitle.

(h) *Public school employers.*-

(1) "Public school employer" means the county board in each county.

(2) "Public school employer" includes the Baltimore City Board of School Commissioners.

(i) *Supervisory employee*. - "Supervisory employee" includes any individual who responsibly directs the work of other employees, as determined by the public school employer in negotiation with an employee organization that requests negotiation on this issue.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 1983, ch. 643; 1985, ch. 774; 1989, ch. 268; 1997, ch. 105, § 1; 2002, ch. 287; ch. 545; 2003, chs. 358, 450; 2009, chs. 284, 285; 2010, chs. 324, 325.]

**§ 6-502. Certain counties and employees excepted from subtitle.**

Repealed by Acts 2002, ch. 287, § 1, effective October 1, 2002.



**§ 6-503. Employees may join organization; membership restrictions.**

(a) *Employees may form and join organization.*- Public school employees may form, join, and participate in the activities of employee organizations of their own choice for the purpose of being represented on all matters that relate to salaries, wages, hours, and other working conditions.

(b) *Membership restriction and dismissal.*- An employee organization may establish reasonable restrictions as to who may join and reasonable provisions for the dismissal of individuals from membership, except that these restrictions and provisions may not discriminate with regard to the terms or conditions of membership because of race, color, marital status, creed, sex, age, or national origin.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]

**§ 6-504. Employees may refuse to join employee organizations; service fees in Allegany, Anne Arundel, Baltimore, Charles, Howard, and Montgomery counties; "agency shop" in Prince George's County.**

(a) *Refusal to join.*- A public school employee may refuse to join or participate in the activities of employee organizations.

(b) *Service fees in Montgomery, Charles, Howard, and Allegany counties.*-

(1) In Montgomery County, Allegany County, Charles County, and Howard County, the county board, with respect to noncertificated employees, shall negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) In Charles County, the provisions of this subsection shall apply only to employees hired on or after July 1, 2005.

(c) *Prince George's County "agency shop".*- In Prince George's County, the county board shall negotiate an organizational security provision, commonly known as "agency shop", with employee organizations.

(d) *Service fees in Anne Arundel County, Baltimore County, and Garrett County.*-

(1) In Anne Arundel County, Baltimore County, and Garrett County, the county board, with respect to noncertificated employees, may negotiate a structure of reasonable service fees to be charged nonmembers for representation in negotiations and grievance matters by employee organizations.

(2) In Anne Arundel County, if the county board negotiates a structure of fees as authorized under this subsection:

(i) Each party shall:

1. Confer in good faith, at all reasonable times; and
2. Reduce to writing the matters agreed on as a result of the negotiations; and

(ii) Neither party is required to agree to any proposal or to make any concession.

(3) (i) The provisions of this paragraph apply if an agency or representation fee is negotiated in Baltimore County.

(ii) 1. Subject to the provisions of subsubparagraph 2 of this subparagraph, the employee organization designated as the exclusive representative for the public school employees shall indemnify and hold harmless the Board of Education of Baltimore County against any and all claims, demands, suits, or any other forms of liability that may arise out of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

2. The board shall retain without charge to the board the services of counsel that are designated by the exclusive representative with regard to any claim, demand, suit, or any other liability that may arise out

of, or by reason of, action taken by the board for the purpose of complying with any of the agency or representation fee provisions of the negotiated agreement.

(iii) The employee organization designated as the exclusive representative shall submit to the board an annual audit from an external auditor that reflects the operational expenses of the employee organization and explains how the representation fee is calculated based on the audit.

(iv) 1. The agency or representation fee shall be based only on the expenses incurred by the employee organization in its representation in negotiations, contract administration, including the handling of grievances, and other activities as required under § 6-509 of this subtitle; and

2. Any political activities of the employee organization designated as the exclusive representative may not be financed by the funds collected from the agency or representation fee.

(4) In Garrett County, if a noncertificated employee was not a public school employee at the time that a service fee under paragraph (1) of this subsection was initiated, the noncertificated employee may not be charged a service fee.

(e) *Service fees in Baltimore City.*- In Baltimore City, the public school employer shall negotiate with the employee organization designated as the exclusive representative for the public school employees in a unit, a reasonable service or representation fee to be charged to nonmembers for representing them in negotiations in the same manner that any such fee was permitted under law and bargained for prior to January 1, 1997.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 1983, ch. 654; 1984, ch. 702; 1990, ch. 623; 1994, ch. 543; 1997, ch. 105, § 1; 2001, ch. 29, § 6; 2005, ch. 64; 2007, ch. 631; 2008, ch. 36; 2010, ch. 287.]

**§ 6-505. Designation of exclusive representative for employees; specific units.**

*(a) Public school employer may designate exclusive employee representative; designation required in Garrett County and Frederick County.-*

(1) Each public school employer may designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(2) In Baltimore City, Garrett County, and Frederick County, the public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

*(b) Composition of unit.-* The public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

*(c) Three unit limit for each county.-*

(1) Except as provided in paragraph (5) of this subsection, there may not be more than three units in a county and a unit may not include both supervisory and nonsupervisory employees.

(2) If a county has more than three recognized units and, as of July 1, 1974, the units have exclusive representation for collective negotiations, these units may continue as negotiating units.

(3) In Baltimore County, there shall only be three nonsupervisory units in addition to the supervisory unit defined under § 6-404(c)(2) of this title.

(4) In Carroll County, beginning on October 1, 2007:

(i) There shall be no more than three units; and

(ii) All units shall be nonsupervisory units.

(5) In Baltimore City, the public school employer may designate a fourth unit composed of all Baltimore City school police officers, as defined in § 4-318 of this article, up to and including the rank of lieutenant.

*(d) Membership.-*

(1) All eligible public school employees shall:

(i) Be included in one of these units; and

(ii) Have the rights granted in this subtitle.

(2) Except for an individual who is designated as management personnel or a confidential employee under this subtitle, each public school employee is eligible for membership in one of the negotiating units.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 1983, ch. 76; 1994, ch. 383; 1997, ch. 105, § 1; 2003, ch. 450; 2007, ch. 196; 2009, ch. 457.]

**§ 6-506. Method of designating exclusive employee representative [Amendment subject to abrogation].**

(a) *Designation as provided in this section.*- The designation of an employee organization as an exclusive representative shall be made as provided in this section.

(b) *Request for recognition.*- If an employee organization certifies to the public school employer that it has a membership enrollment of at least 30 percent of the total number of public school employees in a specified unit in a county as of June 1 of the year in which certification is made, this certification is a request for recognition as exclusive representative of all public school employees in the specified unit in the county.

(c) *Election if another organization requests recognition.*- If another employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit as of the same June 1, an election shall be held in which the public school employees in the unit shall be offered the opportunity to choose:

(1) One of the employee organizations as the exclusive representative of all public school employees in the unit; or

(2) Not to have exclusive representation.

(d) *Election if no other organization requests recognition.*- If no other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit, on the request of the employee organization under subsection (b) of this section, an election shall be held and the ballot shall offer a choice between:

(1) Exclusive representation by the organization; and

(2) Not to have exclusive representation.

(e) *Designation without an election.*- The public school employer shall designate the employee organization described in subsection (b) of this section as the exclusive representative of all public school employees in the specified unit in a county if:

(1) No other employee organization certifies that it has a membership enrollment of at least 10 percent of the total number of public school employees in the unit;

(2) The employee organization does not request an election under subsection (d) of this section; and

(3) The employee organization certifies that it has a membership enrollment of the majority of the public school employees in the unit in the county.

(f) *Rules and regulations; time, manner, and place of holding elections.*-

(1) The Board shall adopt rules and regulations for:

(i) Verifying the number of public school employees who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

- (ii) Holding elections under this section and the certification of their results.
- (2) The Board shall provide for supervision of these elections.
- (3) The elections shall be held:
  - (i) In each school facility where public school employees are assigned on a regularly scheduled school day;
  - (ii) In a manner assuring the secrecy of the ballot; and
  - (iii) On a regular working day for public school employees, between June 1 and June 15, inclusive.
- (4) In all elections held under this section, the employee organization that receives a majority of the votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If a majority of the votes in the election are cast not to have exclusive representation, a representative may not be designated for the unit.
- (5) The two choices on the ballot that receive the most votes shall be placed on a ballot for a runoff election that shall be held in the same manner as the original election if:
  - (i) More than one employee organization is on the ballot;
  - (ii) No employee organization obtains a majority of the votes; and
  - (iii) A majority of the votes is not for "not to have exclusive representation".
- (6) The public school employer shall provide any assistance required in conducting the elections.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 2010, chs. 324, 325.]

**§ 6-507. Minimum period of representation; elections after initial period.**

**(a) *Two-year initial period required.*-**

- (1) The designation of an exclusive representative shall be for at least 2 years.
- (2) After this initial period, the organization shall be the exclusive representative until another election is held.

**(b) *Subsequent elections.*-**

- (1) An election after the initial period of representation may be held:
  - (i) Only after the end of the 2-year period; and
  - (ii) On petition signed by more than 20 percent of the public school employees in the unit of the county.
- (2) This election shall be held in the same manner as provided in § 6-506 of this subtitle.
- (3) All signatures on a petition requesting an election shall be obtained within 90 days before the election date.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]



**§ 6-508. Representatives and agreements in effect on July 1, 1978, to continue.**

(a) *Present representatives continued.*- Employee organizations recognized by the public school employer as the exclusive representative of all public school employees in a specified unit on July 1, 1978 shall continue to be the exclusive representative:

(1) For the rest of the 2-year initial period as provided by § 6-507 of this subtitle; and

(2) Beyond the 2-year period until another election is held as provided under § 6-507 of this subtitle.

(b) *Present agreements continued.*- Any collective negotiation agreement that has been entered into by an exclusive representative and a public employer as of July 1, 1978 shall continue in effect for the term of the agreement.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]

**§ 6-509. Designated organization is negotiating agent; fair representation.**

(a) *Negotiating agent.*- An employee organization designated as an exclusive representative shall be the negotiating agent of all public school employees in the unit in the county.

(b) *Fair representation.*- An employee organization designated as an exclusive representative shall represent all employees in the unit fairly and without discrimination, whether or not the employees are members of the employee organization.

(c) *Rights permitted to public school employees.*- All public school employees have the rights granted under this subtitle.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]

**§ 6-510. Negotiations between employer and employee organization [Amendment subject to abrogation].**

(a) *In general.*- When a public school employer and an employee organization negotiate under this section, the public school employer and the employee organization shall:

- (1) Confer in good faith, at all reasonable times;
- (2) Honor and administer existing agreements;
- (3) Make every reasonable effort to conclude negotiations with a final written agreement in a timely manner; and
- (4) Reduce to writing the matters agreed on as a result of the negotiations.

(b) *Binding arbitration.*- The agreements may provide for binding arbitration of the grievances arising under the agreement that the parties have agreed to be subject to arbitration.

(c) *Representatives to negotiate.*-

(1) On request, a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to salaries, wages, hours, and other working conditions, including the discipline and discharge of an employee for just cause.

(2) Except as provided in paragraph (3) of this subsection, a public school employer or at least two of its designated representatives may negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on other matters that are mutually agreed to by the employer and the employee organization.

(3) A public school employer may not negotiate the school calendar, the maximum number of students assigned to a class, or any matter that is precluded by applicable statutory law.

(4) A matter that is not subject to negotiation under paragraph (2) of this subsection because it has not been mutually agreed to by the employer and the employee organization may not be raised in any action taken to resolve an impasse under subsection (e) of this section.

(5) (i) If a public school employer and an employee organization dispute whether a proposed topic for negotiation is a mandatory, a permissive, or an illegal topic of bargaining, either party may submit a request for a decision in writing to the Board for final resolution of the dispute.

(ii) A request for a decision shall:

1. Clearly identify each topic of bargaining for which the public school employer or employee organization is requesting a decision; and
2. Be made before the Board determines that an impasse has been reached.

(iii) If the Board receives a request for a decision, within 7 days after receipt of the request, the Board shall issue a letter to the public school employer and the employee organization that requests written briefs in support of their respective positions.

(iv) Within 7 days after receipt of a request from the Board for written briefs, the public school employer and the exclusive representative shall deliver to the Board a written brief on the issue of whether the topic is mandatory, permissive, or illegal in nature.

(v) After receipt of the written briefs from the public school employer and the employee organization, the Board shall:

1. Consider the merits of each party's arguments;
2. Render a decision determining whether the topic of negotiation is mandatory, permissive, or illegal; and
3. Issue the written decision to the parties within 14 days after receiving the written briefs.

(vi) 1. The Board may adopt regulations, guidelines, and policies to carry out its rights and responsibilities under this section.

2. To resolve disputes under this section, the Board shall develop a balancing test to determine whether the impact of the matter on the school system as a whole outweighs the direct impact on the employees.

(d) *Presentation by employee organization at public meeting.*- The designation of representatives by the employer under this section does not prevent an employee organization from appearing before or making proposals to the public school employer at a public meeting or hearing.

(e) *Impasse in negotiations.*-

(1) If, on the request of either party, the Board determines from the facts that an impasse is reached in negotiations between a public school employer and an employee organization that is designated as an exclusive negotiating agent, the Board shall within 10 calendar days:

(i) Request last and best offers from the public school employer and the employee organization, which may not include items or topics not previously raised in the bargaining process; and

(ii) Order the public school employer and the employee organization to commence mediation within 14 days after the Board's determination that an impasse has been reached.

(2) The last and best offers shall list separately every term or condition of employment in dispute and the demand of the party making the last and best offer.

(3) Within 5 calendar days after an order to mediate, the parties shall select a mediator by:

(i) Agreement; or

(ii) Alternate striking from a list of seven neutral parties furnished by:

1. The Federal Mediation and Conciliation Service; or
2. The American Arbitration Association.

(4) The mediator shall conclude the mediation within 25 days after convening the first mediation  
<http://www.michie.com/maryland/lpext.dll/mdcode/298ed/c2ec/c7e6/c8e7/c91d?f=templat...> 4/26/2011

session.

(5) If the public school employer and the employee organization do not reach agreement before concluding the mediation, the mediator shall issue a written offer to both parties and the Board of settlement of all matters raised.

(6) Within 5 days after receiving the proposed settlement, the public school employer and the employee organization each shall notify the mediator of its intent to:

(i) Accept the written proposed settlement;

(ii) Accept the written proposed settlement in part, as mutually agreed on by the public school employer and the employee organization; or

(iii) Decline the proposed settlement and request arbitration before the Board.

(7) The public school employer and the employee organization shall share the costs of the mediator equally.

(8) If either party declines the proposed settlement and requests arbitration, the Board shall, within 5 calendar days, set a date for an arbitration hearing before the Board.

(9) The Board shall:

(i) Open the arbitration record within 20 days after receiving either party's decision to decline the mediator's proposal;

(ii) Convene a hearing;

(iii) Hear testimony from and receive supporting written evidence, as provided in an order of the Board, from the public school employer, the employee organization, and the mediator;

(iv) Administer oaths to witnesses deemed relevant and called by the Board;

(v) Issue subpoenas to compel the production of relevant and nonprivileged documents and other tangible evidence that would also be subject to production before a hearing or at a hearing under Title 10, Subtitle 6, Part III of the State Government Article; and

(vi) Receive, hear, and consider all evidence considered relevant by the Board, whether or not offered through an attorney, including:

1. The wages, hours, working conditions, or other terms and conditions of employment of similar public employees in comparable surrounding jurisdictions and comparable jurisdictions outside the State; and

2. The ability of the public school employer and the county served by the public school employer to pay, considering their existing resources, the costs of the final offers proposed and other personnel costs.

(10) The Board shall conclude the hearing by issuing a written order within 20 days after the arbitration record is opened.

(11) The Board shall issue the written award that selects and adopts:

(i) The complete final offer of the public school employer;

(ii) The complete final offer of the employee organization; or

(iii) The mediator's complete offer of settlement.

(12) The Board's written award is final and binding on the public school employer and the employee organization.

(13) The public school employer and the employee organization shall share the costs of the hearing equally.

(14) Any negotiated provision or decision of the Board is subject to the other provisions of this article concerning the fiscal relationship between the public school employer and the county commissioners and county council.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 2002, ch. 287; 2009, chs. 284, 285; 2010, chs. 324, 325.]

**§ 6-511. Funding negotiated agreements [Amendment subject to abrogation].**

If the fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with the timetable and procedure established by the Board.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 2010, chs. 324, 325.]

**§ 6-512. Interference with employees prohibited.**

A public school employer and employee organization may not interfere with, intimidate, restrain, coerce, or discriminate against any public school employee because of the exercise of his rights under §§ 6-503 and 6-504 of this subtitle.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]



**§ 6-513. Strikes prohibited; penalties.**

(a) *Strikes prohibited.*- An employee organization may not call or direct a strike.

(b) *Penalties.*-

(1) Any employee organization designated as an exclusive representative that violates any provision of this section shall have its designation as exclusive representative revoked by the public school employer and the employee organization and any other employee organization that violates any provision of this section is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(2) If an employee organization violates any provision of this section, the public school employer shall stop making payroll deductions for dues of the organization for 1 year after the violation.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2.]

**§ 6-514. State labor laws inapplicable.**

This subtitle does not make the State labor laws in Titles 3 and 7 of the Labor and Employment Article apply to public school employment.

[An. Code 1957, art. 77, § 160A; 1978, ch. 22, § 2; 1991, ch. 21, § 8; 2003, ch. 17; ch. 21, § 7.]

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**§ 6-801. "Board" defined [Subtitle subject to abrogation].**

In this subtitle, "Board" means the Public School Labor Relations Board established under § 6-802 of this subtitle.

[2010, chs. 324, 325.]

**§ 6-802. Board established [Subtitle subject to abrogation].**

There is a Public School Labor Relations Board established as an independent unit of State government.

[2010, chs. 324, 325.]

**§ 6-803. Composition; oath; chair; term; removal [Subtitle subject to abrogation].**

(a) *Composition.*- The Board shall consist of the following five members appointed by the Governor, with the advice and consent of the Senate:

(1) One member who:

(i) Represents the public;

(ii) Has experience in labor relations;

(iii) Is not an officer or employee of a board of education or an employee organization representing public school system employees;

(iv) Is not an elected official of the State, a county, or an employee organization representing public school employees; and

(v) Is known for objective and independent judgment;

(2) Two members, including one member chosen from a list of candidates submitted by the organization representing a majority of public school employees in the State for collective bargaining purposes and another member chosen from a list of candidates submitted by a statewide organization representing public school employees in at least one jurisdiction within the State for collective bargaining purposes other than the majority organization under this paragraph, who:

(i) Are not employees of the State or a public school employee organization; and

(ii) Are known for objective and independent judgment; and

(3) Two members chosen from a list of candidates submitted by the Maryland Association of Boards of Education and the State Superintendents Association of Maryland, who:

(i) Are not officers or employees of the State or county or State boards of education and are not officers or employees of employee organizations representing employees of public school systems in Maryland; and

(ii) Are known for objective and independent judgment.

(b) *Oath.*- Before taking office each member shall take the oath required by Article I, Section 9 of the Maryland Constitution.

(c) *Chair.*- The Public School Labor Relations Board shall elect a chair from among its members.

(d) *Term.*-

(1) The term of a member is 5 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 2010.

- (3) At the end of a term a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the remainder of that term.
- (e) *Removal.*- The Governor may remove a member only for incompetence or misconduct.

[2010, chs. 324, 325.]

**§ 6-804. Compensation and reimbursement for expenses [Subtitle subject to abrogation].**

A member of the Board shall be entitled to:

- (1) Compensation in accordance with the State budget; and
- (2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[2010, chs. 324, 325.]

**§ 6-805. Sharing of executive director [Subtitle subject to abrogation].**

The Board shall share an executive director with the Higher Education Labor Relations Board and the State Labor Relations Board.

[2010, chs. 324, 325.]



**§ 6-806. Administration and enforcement; regulations and recommendations [Subtitle subject to abrogation].**

(a) *Administration and enforcement.* - The Board shall administer and enforce the provisions of Subtitles 4 and 5 of this title.

(b) *Regulations and recommendations.* - The Board may:

(1) Adopt regulations, guidelines, and policies to carry out the rights and responsibilities of the Board under this title; and

(2) Make recommendations for legislative action regarding the operation of this title.

[2010, chs. 324, 325.]

**§ 6-807. In general [Subtitle subject to abrogation].**

(a) *Decision making powers.*- In deciding matters covered under the provisions of Subtitles 4 and 5 of this title, the Board:

(1) May:

(i) Conduct hearings;

(ii) Subpoena witnesses and documents;

(iii) Administer oaths;

(iv) Take the testimony or deposition of a person under oath; and

(v) Conduct investigations; and

(2) Shall decide controversies and disputes.

(b) *Order to comply.*-

(1) If a person fails to comply with an order issued by the Board, a member of the Board may petition the circuit court to order the person to comply with the Board's order.

(2) The Board may not be required to post bond in an action under paragraph (1) of this subsection.

(c) *Contested case.*- Each hearing and determination of an appeal or complaint by the Board is a contested case, subject to the provisions of Title 10, Subtitle 2 of the State Government Article.

(d) *Prior order is precedent.*- A prior order, action, or opinion issued by the State Board before the enactment of this section may be considered as precedent in matters arising after the enactment of this section, but it is not binding on the Board.

[2010, chs. 324, 325.]